UNITED NATIONS

ECONOMIC AND SOCIAL COUNCIL

Distr.
GENERAL

E/CN.6/1993/2
15 December 1992

ORIGINAL: ENGLISH

COMMISSION ON THE STATUS OF WOMEN
Thirty-seventh session
Vienna, 17-26 March 1993
Item 5 (a) of the provisional agenda*

PRIORITY THEMES

EQUALITY: INCREASED AWARENESS BY WOMEN OF THEIR RIGHTS, INCLUDING LEGAL LITERACY

Report of the Secretary-General

Summary

The Commission on the Status of Women, at its thirty-fourth session, selected "Increased awareness by women of their rights, including legal literacy" as the priority theme in the area of equality for consideration at its thirty-seventh session. To prepare the theme, an expert group was convened from 18 to 22 May 1992 at Bratislava. On the basis of their analysis of the issue, it can be concluded that obstacles to the exercise by women of their rights extend beyond awareness and include structural factors such as the organization and operation of legal systems. Legal literacy is a method of overcoming these obstacles based on mobilizing women in order to assess their situation in the context of rights and act to obtain them. The report stresses the role of non-governmental organizations in promoting legal literacy and makes recommendations for government action to reinforce legal literacy.

*E/CN/6/1993/1.

V.92-59548 8772T

CONTENTS

	Paragraphs	Page
INTRODUCTION	1-3	3
I. CONCLUSIONS AND RECOMMENDATIONS	4-12	3
II. OBSTACLES TO THE EXERCISE BY WOMEN OF THEIR RIGHTS	13-32	5
A. Lack of educational opportunities	14-19	5
B. Conflicting legal norms and lack of enabling legislation	20-23	6
C. Structure of the legal system and lack of implementation of existing laws	24-29	7
D. Lack of legal assistance	30-32	8
III. APPROACHES TO INCREASING WOMEN'S LEGAL LITERACY	33-41	8
Annex. Extracts from the report of the expert group meeting on increased awareness by women of their rights, including legal literacy, held at Bratislava from 18 to 22 May 1992		11

INTRODUCTION

1. The Economic and Social Council, at its first regular session of 1990, selected the issue of increased awareness by women of their rights, including legal literacy, as one of the priority themes in the area of equality to be considered by the Commission on the Status of Women at its thirty-seventh session (Council resolution 1990/15, annex, sect. III, para. 25). The theme was selected as a consequence of recommendation I, arising from the first review and appraisal of the Nairobi Forward-looking Strategies for the Advancement of Women, in which it is stated that:

> "Governments, in association with women's organizations and other non-governmental organizations, should take steps on a priority basis to inform women and men of women's rights under international conventions and national law and to prepare or continue campaigns for women's 'legal literacy' using formal and non-formal education at all levels, the mass media and other means; efforts to this end should have been undertaken by 1994." (Council resolution 1990/15, annex, sect. I, para. 3, recommendation I.)

2. The present report examines obstacles to the enjoyment by women of their legal rights and considers various approaches to improving women's ability to exercise these rights, particularly through legal literacy and legal assistance programmes.

3. To assist in the preparation of the priority theme, an expert group meeting on increased awareness by women of their rights, including legal literacy, was organized from 18 to 22 May 1992 at Bratislava by the Division for the Advancement of Women of the United Nations Office at Vienna/Centre for Social Development and Humanitarian Affairs. The expert group was attended by experts and observers from all regions. The conclusions and recommendations of the expert group meeting are attached as an annex, and the analyses prepared for the meeting form the basis of the present report.

I. CONCLUSIONS AND RECOMMENDATIONS

4. The lack of awareness by women of their rights is only part of the reason why women are not able to exercise these rights in practice. Considerably more complex factors are also involved. Indeed, while the relatively higher level of illiteracy among women and generally lower level of education make it difficult for women, particularly in developing countries, to make use of their legal systems to obtain their rights, this is only part of the problem. The structure and operation of legal systems also reduces women's access to mechanisms that would enable them to exercise their rights. The obstacles identified include the absence of enabling legislation to implement equal rights theoretically granted by Governments in their countries' constitutions or as a result of their becoming parties to international human rights instruments. The insensitivity of judicial personnel to gender factors in interpreting and implementing the law is another obstacle, which makes it hard for women to gain access to courts. There is also some resistance within the family and the community to women using the legal system.

5. The expert group analysed these obstacles and the ways in which they may be overcome. Their analysis confirms a growing understanding that women, regardless of their level of education or socio-economic status, can be

mobilized to assert their rights and that this mobilization can be both a means of empowerment for individual women and a mechanism for promoting change within the legal system. The role of legal literacy is to help women to understand their rights and the exercise of them as a resource for their personal and social development and empowerment.

6. Successful programmes for legal literacy require a partnership of Governments and non-governmental organizations in a democratic context. The non-governmental organizations would seem to have had the most success in mobilizing women to act for the enjoyment of their rights. In legal systems that are based on adversary proceedings, this has often meant challenging existing laws, government policies and programmes. This mobilization of women has frequently taken place in the context of other issues of concern to women, such as the environment, community action or the means of combating violence, in which legal literacy has been seen as one aspect of a larger question. In many programmes, however, the coverage of legal literacy has been less than it might have been because of the financial limitations of the non-governmental organizations concerned.

7. Governments can and should adopt measures that can make the development of legal literacy a more effective and general process. Many of the recommended measures are in fact obligations routinely assumed by States on ratification of or accession to the Convention on the Elimination of All Forms of Discrimination against Women (General Assembly resolution 34/180) or other human rights instruments.

8. Governments should ensure that the law contains all of the necessary enabling legislation to convert women's rights into policies and programmes that are justiciable.

9. Governments should ensure that their legal system is itself accessible and gender-neutral. This implies having courts that are located where women can get to them and are open at times when women can attend them. It means having simple forms and procedures, written in a language that can be easily understood, and having training and orientation programmes to encourage judges and judicial personnel to be sensitive to gender bias. Public offices and services such as ombudspersons or public defenders may need to be established, whose function would be to help people to interact with the legal and administrative system.

10. Governments should ensure that an understanding of women's rights is built into the school curriculum at all levels, beginning at the primary level.

11. Governments should support the activities of non-governmental organizations in helping women to develop legal literacy.

12. Given that legal literacy is a necessary tool for women's empowerment, it should be built into international programmes for the advancement of women. One recommendation of the expert group that merits consideration is that relevant organizations of the United Nations system, including the United Nations Secretariat (Division for the Advancement of Women), the United Nations Development Fund for Women, the International Research and Training Institute for the Advancement of Women, the International Labour Organisation (ILO), the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the International Fund for Agricultural Development (IFAD), should support legal literacy programmes and activities for women and see this support as

part of a general effort to promote international standards and norms, especially the Convention on the Elimination of All Forms of Discrimination against Women.

II. OBSTACLES TO THE EXERCISE BY WOMEN OF THEIR RIGHTS

13. The obstacles that prevent women from exercising their rights can be seen in a number of different ways. Some are derived from past discrimination; others have to do with the way the legal system is structured and the nature of the judicial process. These include structural obstacles created by the State in the form of State policy, legislation, judicial interpretation and law enforcement; some are concerned with cultural obstacles experienced in the context of family, community and religious institutions. Still others have to do with a lack of public action to provide information on the law.

A. Lack of educational opportunities

14. Legal rights are essentially written rights. The law and the legal system mostly function on the basis of texts. To the extent that people lack education, and are therefore unable to read and understand the law, they will have difficulty interacting with the legal system.

15. Illiteracy is thus a major obstacle, particularly in the developing countries. Despite broad progress, there is still a large historical deficit in literacy among girls and adult women. According to UNESCO, in 1990, 948.1 million persons (26.5 per cent of the adult population of the world) were illiterate. Of that number, 346.5 million were men (i.e. 19.4 per cent of the male population), while 601.6 million were women (i.e. 33.6 per cent of the female population). The numbers were even more striking for developing countries, where the illiteracy rate for women stood at 45 per cent. 1/ For these women, illiteracy compounds their other problems, contributing to their marginalization within the family, the workplace and public life. It accounts for the fact that women have often not benefited from socio-economic and technological progress. 1/

16. While greater availability of primary education in the world is reducing illiteracy among the young, a gap between women and men continues to exist and may be further exacerbated if formal literacy is not reinforced by use. Indeed, functional illiteracy often continues even when literacy exists in theory. The implication is that for adult women who are illiterate, opportunities for formal education are past and either the fact of illiteracy has to be taken into account in planning information campaigns, or special efforts must be made to increase literacy among adults.

17. Even the matter of educational opportunity among the young is not simple. In much of the world, women have progressed towards equal educational enrolment rates with men at all levels of schooling, but significant gaps persist between men's and women's educational achievement. 2/ Even when primary education is free and compulsory, the drop-out rate for girls is higher than for boys because of early pregnancies, traditional beliefs that girls do not need as much education as boys and an economic necessity for girls to work or to substitute for their mothers in caring for siblings. The introduction of school fees in many developing countries already suffering from declining per capita incomes has further undermined girls' access to education. 3/

18. Where education is available, it may not be of a high enough quality to make women knowledgeable about their rights. Not all educational systems include education in women's rights, or indeed in practical civics, in their curricula. In countries where education finishes at the primary level, this type of instruction may not be given high priority, but it has longer-term consequences for awareness of rights and of the legal systems in which they are implemented.

19. It should be noted, however, that a lack of education is not an absolute constraint on knowledge about and exercise of rights. Many women who have not had any formal education have taken the lead at the grass roots in struggling to achieve rights. But for most women, the consequences of past discrimination reflected in illiteracy or truncated education means that the institutions for making women aware of and exercising their rights have to be adapted to their needs.

B. Conflicting legal norms and lack of enabling legislation

20. If the legal system in force in a country does not recognize women's equal rights, the issue of awareness turns on the extent to which women are aware of the conflict between international norms and national law. This is often the case in countries which have not ratified or acceded to the Convention on the Elimination of All Forms of Discrimination against Women (General Assembly resolution 34/180). For example, under Tswana Customary Law in Botswana, daughters were not permitted to inherit male property, nor did they qualify to become principal heirs, unless their father had absolutely no male relative; and even then, there were cases in which daughters were not permitted to inherit. 4/ Similarly, in Lesotho, under both customary law and civil law, based on an older Roman-Dutch model, a woman never attains legal majority. She is a minor under her father's guardianship until she is married. Upon marriage, her husband assumes guardianship over her. 5/ Often, cultural mechanisms may also limit the rights of women in general, but particularly those of married women with respect to their legal standing when the law provides for the husband automatically to become the legal guardian of his wife. The question is whether a woman is aware of the conflict between these types of practices and international norms to which the Government has subscribed.

21. The situation can be particularly complex when multiple and conflicting legal systems coexist. Studies have suggested that rights conferred under civil law may be undercut by their absence in customary law, when customary law is given an equal status. For example, in a number of countries of the Asia and Pacific region, personal law, covering matters relating to such issues as marriage, divorce, dowry maintenance, custody of children and inheritance, is not uniform for different social groups and is derived in large part from their different religions, social and cultural beliefs. 6/ This has tended to permit gender discrimination to pervade these legal systems.

22. There are also cases where constitutional provisions for equality have not yet led to the elimination of contradictory laws. Thus, for example, in spite of an equal rights clause in the Zimbabwean Constitution and the Government's commitment to equal rights for women, in 1989 women still could not own land or have access to credit. 7/

23. An analysis made by the Economic and Social Commission for Asia and the Pacific suggested that in many countries progress had been made in recent

years towards ensuring the gender neutrality of legislation. However, discriminatory legislative provisions continued to exist in the social, economic and political spheres, in the civil, penal and commercial codes and in various administrative rules and regulations. Thus, equal rights legislation was needed. Furthermore, laws needed to be stipulated that were supportive of women's integration in all areas. 8/

C. Structure of the legal system and lack of implementation of existing laws

24. No matter how well framed, legislation cannot ensure gender equality if it is not effectively executed. A gap persists in many countries between the legal declarations on the rights of women and the full realization of these rights in daily life, owing to entrenched opposition, weakness in the law and customary discriminatory practices, as was noted in the ESCAP study. 8/

25. The structure and complexity of the legal system itself can constitute an obstacle to its use. In many countries, for example, laws, administrative and executive actions that violate civil rights guarantees can theoretically be challenged in the courts. Yet it may be difficult to do so, owing to the costs of litigation in the supreme courts and the absence of an effective system of legal aid. Moreover, in some legal systems, only draft laws, rather than laws once passed, can be challenged in the courts under the constitution. In other systems, inconsistency with the constitution cannot be used as a basis for challenging legal provisions that discriminate against women. In other cases, the absence of a consistent approach to equality in legislation and its review has allowed isolated provisions to be enacted that are discriminatory.

26. Laws are frequently written in a language that it is impossible for the average person to understand. A study in Zimbabwe, for example, found that very few people in the rural areas answered affirmatively when asked if they knew about the Legal Age of Majority Act. Some replied that they had never heard about the law, others stated that the words themselves were totally unfamiliar. 9/ Similarly, in Sri Lanka court proceedings are conducted in English rather than the local languages and, because courts provide official interpreters to translate from the local languages into English but not vice versa, only lawyers are able to plead cases and understand judgements. 10/

27. Custom and tradition can also affect the interpretation of laws. The attitudes of judges and magistrates were found in one study to have been shaped by cultural values and carried into their interpretations and rulings. 10/ Similarly, lower-level law enforcement personnel may act so as to negate legal rights. In one study it was found that the police incorrectly interpreted provisions in an otherwise gender-neutral criminal code to discriminate against women. 11/

28. Cases are processed through institutional bureaucracies according to procedures that are not always easy to understand and can be affected by attitudes and cultural values. In some countries, women are often reluctant to take public positions on issues or to participate in the activities of communal leadership. The need in the legal structure to take a public stand may make women reluctant to subject themselves to potential recrimination or intimidation.

29. For individuals to make use of the legal system, they must have information about the system and its workings. It is often considered a public responsibility to make that information available. This type of information, however, is not always adequately provided.

D. Lack of legal assistance

30. Use of the legal system, as noted above, involves costs, whether in terms of hiring legal assistance or absenting oneself from work in order to be present in court. Women everywhere have less access to legal services than men because of limited income. Equality for women is linked inextricably to economic independence, which in turn is a function of their access to and control over basic financial resources.

31. Publicly supported legal assistance programmes, particularly in developing countries, are not common. One survey of Africa 12/ found that few countries provided legal aid, particularly in civil cases where many of the issues of concern to women (such as divorce, support, custody and property rights) were adjudicated. The absence of institutions to help individuals bring their cases to the courts constitutes an obstacle to exercising rights.

32. In some Caribbean countries, for example, there is still a shortage of lawyers and there is no governmental legal aid service. Legal services in those countries are expensive and beyond the means of the many unemployed and underemployed women. It was noted in one study that while there were several magistrate court actions for which lawyers were not needed, that fact did not seem to be widely known. Even when women were aware of this, they remained intimidated because they felt their understanding of the law and court procedures was inadequate. 13/

III. APPROACHES TO INCREASING WOMEN'S LEGAL LITERACY

33. Awareness of rights has to be seen as part of a larger process of empowerment. As the expert group concluded, "Because law-making and adjudication are the result of political processes, legal literacy can prepare women to participate in these processes by developing women's capacities to critically assess the law and meaning of rights (the limits and possibilities of law as a tool for social change), as well as the needed political skills to assert rights and mobilize to change the substantive and structural obstacles".

34. Education and access to information are crucial to the promotion and improvement of the status of women, permitting them to fulfil their role as full members in society. Most countries recognize the influential role played by the mass media in combating discrimination and in stressing equality in active education to raise public awareness of discrimination against women. They distribute special information to schools and review educational material and curricula with the aim of eliminating sex-role stereotyping.

35. Legal literacy could contribute to that process by promoting women's capacities, knowledge and skills, specifically helping them to understand women's collective subordinate status and assess their problems in that light, to be aware that gender roles have been culturally defined and reflected in law, to recognize that law is the product of political process and can be changed, to comprehend the meaning of rights in daily life, to organize themselves to take action to defend rights, and to develop skills for political participation.

36. Legal literacy is necessary for both women and men if they are to fulfil their roles as citizens of their countries. In addressing both of them, a suitable language needs to be found, which will effectively convey the message without offending the women or the community in which they live. The message can be combined with campaigns emphasizing women's contribution to society, especially in the family. This should lead to an appreciation of the vital role of women in society and will improve the attitudes of policy makers, legislators, administrators and the public about women's legal and social status.

37. Another approach to legal literacy is to take it beyond a mere provision of information by building it into more general education to empower women for action and change, rather than simply conveying information on the law. The object of this approach would be to develop an awareness that will enable women to think about the power relationship sustained by laws that affect their lives and, ultimately, to take action to challenge and transform this relationship. In this sense, legal literacy programmes have to be seen in a wider context. They should not only focus on increasing awareness of women's rights but should be linked with programmes to increase women's economic independence as well as to deal with problems related to other aspects of women's lives, such as violence in the home, family planning and child care. In this way the question of power can be dealt with more intensively.

38. It is important to establish legal literacy education that will help to increase women's awareness of the laws that affect them most, of legal remedies and ways of gaining access to those remedies. Thus, the priority areas of law should be identified as central to the legal literacy programmes, which will include cases such as marriage, divorce, custody of children, property of rights during marriage and divorce and after inheritance. It is important to bear in mind that, where the law does not adequately protect a woman, her knowledge of this fact may facilitate a conscious decision on her part to protect her own interests.

39. It is also desirable to set in motion a process of educating judges and magistrates to make them sensitive to gender issues. It must also be emphasized that this educational effort should not be limited to judges and magistrates, but should be addressed to the entire judicial machinery, including the police.

40. Through counselling and free legal services, women can familiarize themselves with ways in which to exercise their legal rights without neglecting their responsibilities. Legal aid is an important adjunct to legal literacy. Awareness-raising can lead to empowerment only if women can activate change. However, in order to use existing laws, it may be necessary to bring test cases to court, including class action suits. The monitoring of violations can be an exercise in both awareness-raising and lobbying. A new direction for the future will be to provide training for community workers, non-lawyers and women at the grass roots on simple legal and administrative matters, and on such tasks as listening to complaints. Professional practice, however, requires specialized knowledge and skills, to which many regulatory controls on professional practice will attest. It is therefore not possible for paralegal personnel to take over the preparation of papers and matters connected with litigation.

41. Printed lectures appear to be a less satisfactory way of distributing information than radio broadcasts and workshops with small groups. Radio

broadcasts on both general and women's programmes have attracted perceptive and critical comment and response. Street-theatre components have been popular, particularly where the community can participate in and dramatize familiar local problems, which involve interaction with the law and legal procedures. This type of theatre experiment appears to help women to resolve their problems and analyse their own attitudes and the values articulated through the legal system.

Notes

1/ Women: Challenges to the Year 2000 (United Nations publication, Sales No. E.91.I.21), p. 28.

2/ The World's Women 1970-1990: Trends and Statistics (United Nations publication, Sales No. E.90.XVII.3).

3/ Women: Challenges ..., p. 32.

4/ Athaliah Molokomme, "Botswana: women and customary law", Empowerment and the Law: Strategies of Third World Women, Margaret Schuler, ed. (Washington, D.C., OEF International, 1986), p. 121; and International Women's Rights Action Watch, The Women's Watch, vol. 5, No. 1 (July 1991), p. 1.

5/ Margaret Schuler, ed., Empowerment and the Law ..., p. 56.

6/ Achievements of the United Nations Decade for Women in Asia and the Pacific (Bangkok, Economic and Social Commission for Asia and the Pacific, 1987), pp. 9-10.

7/ Paper presented at the Women, Law and Development Workshop, held at the Kadoma Ranch Motel, Zimbabwe in October 1989.

8/ Note by the secretariat of the Economic and Social Commission for Asia and the Pacific on selected issues in social development; legal literacy among Women in Asia and the Pacific.

9/ Women, Law and Development in Africa: Origins and Issues, Series on Women, Law and Development: Issues and Strategies for Change, No. 4 - Africa (Washington, D.C., OEF International, 1990), p. 136.

10/ Asia Pacific Forum on Women, Law and Development, "My rights, who control?", report of the Regional Consultation on Asia Pacific Women's Issues, Law and the Development Process, New Delhi, 26-30 August 1989.

11/ See Savitri Goonesekere, "Sri Lanka: legal status of women", Empowerment and the Law: ..., Margaret Schuler, ed., p. 34.

12/ Women, Law and Development in Africa ..., pp. 37-78.

13/ Roberta Clarke, "A legal literacy case-study: CAFRA - Women and the law project", report presented at the Expert Group Meeting on Increased Awareness by Women of their Rights, including Legal Literacy, Bratislava, 18-22 May 1992 (EGM/IAWR/1992/CS.3), p. 10.

Annex

EXTRACTS FROM THE REPORT OF THE EXPERT GROUP MEETING ON INCREASED AWARENESS BY WOMEN OF THEIR RIGHTS, INCLUDING LEGAL LITERACY, HELD AT BRATISLAVA FROM 18 TO 22 MAY 1992

CONTENTS

	Paragraphs	Page
I. CONCLUSIONS AND RECOMMENDATIONS		
A. The problem		
B. Recommendations for Governments regarding legal literacy with a gender perspective		
C. Recommendations for non-governmental organizations ..		
D. Recommendations for international organizations		
II. SUMMARY OF DISCUSSIONS		
A. Obstacles		
B. Programmes		

I. CONCLUSIONS AND RECOMMENDATIONS

A. The problem

1. Nature of the problem

1. Although international norms do exist, many of them have not been translated into national legislation. Thus, women lack rights in certain areas of their lives and the rights as they are defined at the national level are often not relevant to women's social, economic and cultural experiences and the reality of their lives.

2. Where women have rights and have access to these rights, many still cannot take advantage of them because of constraints imposed by:

(a) Economic factors: internal (class structure, access to economic opportunity) and external (economic environment, including the consequences of structural adjustment, such as a reduced ability on the part of Governments to provide legal services for women);

(b) Cultural and attitudinal factors;

(c) Political factors;

(d) Educational limitations (lack of formal education, language);

(e) Social conditioning against the use of law;

(f) Legal administration of justice.

2. Substantive considerations

3. One of the solutions to these problems is to introduce a programme of legal literacy with a gender perspective, giving women the confidence and opportunity to set the forces for change into motion at each of these levels. For legal literacy to achieve this objective, it must be conceived in a dynamic and political framework. The role of legal literacy is to help women understand that rights and the exercise of these rights are a resource for their personal and social development and empowerment.

4. Because law-making and adjudication are the result of political processes, legal literacy can prepare women to participate in these processes by developing their ability to assess critically both the law and the meaning of rights (the limits and possibilities of law as a tool for social change), as well as the political skills to assert their rights and join forces to remove the substantive and structural obstacles.

5. Legal literacy should be systematically planned and designed, taking into account the situation of the women, and their characteristics and needs, such as the timing of the programme, and the women's economic activities and key concerns.

6. Legal literacy should, therefore, be based on an understanding of the components of the legal system, that is to say, the law's substance (the content of the law), its structure (courts and administrative agencies) and culture (shared social attitudes and behaviours sustaining the law).

7. Legal literacy has to be seen as an important component in broader programmes for the advancement of women.

3. Methodological considerations

8. To be effective, legal literacy programmes for women should be based on their authentic needs and concerns; only by taking women's experiences as a starting point will legal literacy programmes incorporate appropriate legal themes and educational methods.

9. In order to be effective, the process of legal literacy training should go beyond the traditional model of information giving, participants should be empowered by involvement in the process of analysis of rights and deficiencies in the law. The process and products of legal literacy programmes should reflect the participatory methodology.

B. Recommendations for Governments regarding legal literacy with a gender perspective

1. Legal reform

10. Governments that have not yet become States parties to international human rights instruments, in particular the Convention on the Elimination of All Forms of Discrimination against Women (General Assembly resolution 34/180), are requested to do so.

11. Governments should ensure that provisions regarding fundamental rights and freedoms contained in the basic legislation, as set out in relevant international instruments, are substantively drafted to reflect gender equity.

12. Governments should review secondary legislation to make fundamental women's rights and freedoms justiciable. Consultations should be held with women throughout the country, and particularly at the grass roots, to allow them to define priorities for the content of legal reform. Areas of particular relevance to women include family and personal status, employment and social security, and violence against women.

13. Governments should ensure that the language used in legislation and legal procedure is gender neutral.

14. National legislation should not discriminate against people with disabilities, should include such aspects as social security, environmental barriers and medical and technical facilities, and should take into consideration the particular needs of women with disabilities. It should facilitate the improvement of their situation within the family and the society.

15. Legislation to protect the civil and human rights of girls and women with disabilities should be passed at the national or provincial levels, in compliance with international norms. This legislation should be monitored by the appropriate government bodies to ensure effective implementation.

2. Structural reform

16. Governments should ensure that national machineries for the advancement of women are adequately staffed and funded. These machineries should monitor the status of women and facilitate the work of non-governmental organizations and government departments that are formulating legal literacy programmes for women.

17. Governments should consult or include women's organizations reflecting the different social and interest groups in the society in the reporting on compliance with international conventions on women.

18. Recognizing that women most often come into contact with the judiciary at the local level, it is specifically recommended that the resources available to this level of judiciary be strengthened in terms of numbers of personnel, facilities and accessibility.

19. Legal aid programmes should be implemented and made widely available to women free, or at low cost. Existing programmes should be strengthened in terms of numbers of personnel, facilities and accessibility. The range of services offered by these legal aid programmes should be comprehensive in the sense that they should be expanded to cover more than family or penal law and to include all areas of law affecting women's lives (labour, property, succession, welfare, participation in political life, civil rights).

20. Legal literacy material should be made available at places where women go for services (health clinics, community centres, court houses).

21. Governments should produce, distribute and help in the distribution and dissemination of legal education materials from all sources through government agencies that provide social services for women.

22. Governments should support legal literacy, taking advantage of the initiatives of non-governmental organizations that provide the infrastructure and resources and using the experiences of non-governmental organizations as models for programming.

23. Gender perspective should be incorporated into all aspects of law-school curricula. The learning process should emphasize the application of law in its social context, and legal educational methodologies and communication skills should also be provided and reinforced through field practice.

24. Gender perspective should be included in all training for public servants, in particular civil servants who come into contact with women in their work (social workers, teachers, health workers, police, legal aid personnel, probation officers, labour inspectors etc.).

25. Governments should implement or strengthen human rights education, particularly on women's rights, by including legal literacy with a gender perspective at all levels of the formal education system, especially in primary education. There should be continual evaluation of curricula, a review of text books and the introduction of relevant new and innovative materials from primary school to university level.

26. Governments should build legal literacy with a gender perspective into non-formal education programmes, especially functional legal literacy and vocational training.

27. Governments should monitor the way in which women's legal rights are portrayed in government-produced material for the media.

28. Gender perspective on women's rights should be included in continuing education programmes for judges through law schools. Members of the judiciary should periodically participate in gender-analysis programmes. Governments should implement gender awareness in training programmes for court workers, e.g. bailiffs, court clerks and registrars.

29. Governments should monitor the approach taken to women's rights in material produced by, or transmitted through, publicly owned mass media.

30. Governments should ensure the appointment of women to the judiciary at all levels in accordance with international targets.

31. Governments should implement paralegal training programmes for community workers, taking into account models tested by non-governmental agencies in their programming.

32. Judicial decisions should be monitored through appropriate mechanisms, such as judicial review panels, ombudspersons etc., in order that gender-biased interpretations of the law and women's rights can be redressed through statutory reform.

C. Recommendations for non-governmental organizations

33. Community-based legal literacy programmes should be given priority by non-governmental organizations, especially those that train paralegal and legal education promoters.

34. All women's development programmes, whether or not with a focus on legal literacy, should include a rights awareness component.

35. Women's organizations with an experience in legal literacy programming should conduct training of trainers courses for all types of non-governmental organizations, for example, farmers' organizations, cooperatives, youth groups, cultural organizations, civic organizations and trade unions. This would facilitate a wider dissemination of legal literacy with a gender perspective.

36. Non-governmental organizations should take the lead in developing indicators to evaluate the impact of legal literacy programmes and to undertake evaluation.

37. Research institutions, including women's organizations, should study the impact of the laws and legal structure on the status of women.

38. Non-governmental organizations should encourage, support and facilitate the bringing of test cases before the courts for the purpose of changing or introducing a gender perspective into the content and structure of the law, as well as for its public educational value.

39. The media should be encouraged to report on women's issues, including the issues related to legal literacy on women's rights. Non-governmental organizations should also be given access to the media in order to create public awareness of women's rights and as an avenue for publicizing women's rights campaigns, legal reforms and for making the judicial system accountable.

D. Recommendations for international organizations

40. A gender perspective should be used in designing, implementing and evaluating technical cooperation projects funded by international organizations such as the United Nations Development Programme (UNDP), the International Labour Organisation (ILO) etc. A legal literacy component should be incorporated in the design and implementation of technical cooperation projects funded by international organizations, where relevant.

41. Relevant organizations of the United Nations system, including the United Nations Secretariat (Division for the Advancement of Women), the United Nations Development Fund for Women, the International Research and Training Institute for the Advancement of Women, the ILO, the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the International Fund for Agricultural Development (IFAD), should support legal literacy programmes and activities for women and as part of a general effort to promote international standards and norms, especially the Convention on the Elimination of All Forms of Discrimination against Women.

42. A specific recommendation for the World Conference on Human Rights, to be held in 1993, is that every issue under the human rights agenda should be considered from the gender perspective.

43. The Commission on the Status of Women should recommend the adoption of an International Declaration on Violence against Women, which should include a "rights' awareness" provision with respect to violence against women.

44. The Division for the Advancement of Women in the United Nations Office at Vienna/Centre for Social Development and Humanitarian Affairs should distribute to national civil and public institutions materials relating to decisions, resolutions and conventions adopted at the international level referring to human rights.

45. Research on women's rights should be carried out in university cooperation programmes, for example by UNESCO.

46. The recommendations on legal literacy should be monitored in the context of the next review and appraisal of the Nairobi Forward-looking Strategies for the Advancement of Women and the preparations for the Fourth World Conference on Women.

II. SUMMARY OF DISCUSSIONS

A. Obstacles

47. In discussing the obstacles to legal literacy and its implications for equality between women and men, the experts considered the different ways of understanding equality. It was pointed out that, while the formal right to equality was available in most countries, real equality in women's lives had not been achieved. At the same time, equality had been defined in a way that excluded women's experiences. It was a concept embedded in patriarchal notions of gender.

48. The experts indicated that most countries had enacted legal measures to ensure that women had opportunities before the law. Discrimination continued to exist in most women's lives, however, in such areas as nationality, inheritance, ownership and control of property, freedom of movement, custody and nationality of children etc. Women, by virtue of their gender, were discriminated against by being denied equal access to the power structures that controlled society and determined development issues.

49. The gap between legislative changes pertaining to women's rights and effective implementation of those laws made it difficult for women to participate fully in all levels of society. The law, it was pointed out, did not automatically benefit all women equally, as socio-economic inequalities determined women's knowledge of, and access to the law, as well as their ability to exercise their full legal rights without fear of recrimination or intimidation. Inadequate or non-existent information on women's rights and on the recourse to justice they could obtain had, in many instances, hampered women's enjoyment of their rights. Some experts spoke about the conflicts between customary law and the statutory legal system. Even when laws benefiting women were enacted, entrenched customary practices often impeded women's access to their rights.

50. The experts pointed out that the conceptual dichotomy between the public and private sphere created problems for anyone attempting to analyse how the State intervened or omitted to intervene in women's lives. The characterization of some women's problems in the context of the family as a private matter had been used selectively by the State to avoid intervening in issues such as domestic violence. The issues of rape in the home and domestic violence pertained to the right to life and security of the person and had to be brought into the human rights domain.

51. It was recognized that certain legislative provisions, which had originally been adopted to protect women, could actually operate to their disadvantage. For example, legislation on maternity benefits had sometimes proved a disadvantage to women, as employers found it more economical to employ men. The observer for the ILO has stated that according to that

Organisation, wherever protective measures existed for women, such laws and their application should be periodically examined in their local contexts to determine whether the law helped or hurt women. Where it operated to place women at a disadvantage in the labour market, the legislation should be repealed or, where possible, extended to men. Basic maternity benefits were not, however, to be subject to such examination and should as a matter of policy be maintained.

52. Other obstacles included the definition and content of women's rights, and identification of the specific obstacles to securing those rights. The experts referred to the rights contained in the Convention on the Elimination of All Forms of Discrimination against Women (General Assembly resolution 34/180) and other human rights instruments and to some specific rights that were problem areas for women. Those rights included the following:

(a) Economic rights: maintenance; inheritance; property; dowry or bride price; social security; wages and benefits; job opportunities and job security; maternity benefits; sexual harassment; pay equity; access to land, credit and technology; housing; taxation; contract rights; rights to the valuation of women's work;

(b) Social rights: content of and access to education (including non-sexist education, materials, language and sex stereotyping); health care and reproductive rights; forced sterilization; family planning and contraception; single women's rights; training and education;

(c) Civil and political rights: the right to life (concerning violence against women in the form of rape, sexual assault, incest and domestic violence); decision-making inside or outside the home; political representation; right to divorce, to enter into marriage and freely to choose one's spouse; right to nationality; right to one's own name;

(d) Cultural rights: freedom of religion, beliefs and practice; language autonomy; right to non-discriminatory customary law.

53. The obstacles were divided into two categories. The first concerned structural obstacles created by the State in the form of State policy, legislation, judicial interpretation and law enforcement. The second category concerned cultural obstacles that were experienced in the context of the family, community, religious institutions and even non-governmental organizations.

54. By way of example, there was a detailed discussion on the right to maintenance. Each expert spoke of how the right was defined and the specific obstacles women experienced in securing this right. Some of the obstacles posed by the State included its failure to define the right to maintenance, stipulating that the maximum maintenance to be awarded should not exceed an amount that was below a subsistence level, or making the right subject to certain conditions, such as chastity, which had nothing to do with economic need. Even when maintenance awards were made, many experts agreed that implementation was often very difficult. If a man failed to comply with the order, a woman often had to go back to court and incur further expense. The process in court was lengthy, and procedurally cumbersome in most countries. Some experts indicated that the law enforcement agencies were not prepared to enforce the law in women's favour. One expert pointed out that the low levels of maintenance assumed that women would not need to depend on that amount for

survival. Either they would be able to find employment or they would marry again. The latter assumption was grounded on the idea that women lived only in the married state and were taken care of in the context of marriage, thus limiting the choices of single women who did not want to marry again.

55. In countries where religion defined the content of the law, personal laws sometimes operated to deny women the right to maintenance. The experts also discussed the motives of religious institutions in discouraging or impeding women's access to their rights. For example, it was noted that the Church in a number of countries tried to redefine women's role and position in contemporary society.

56. Culturally, the family could also be an obstructive influence, by portraying women as selfish and greedy when they tried to secure their rights, claiming that it was culturally not appropriate for a woman to take her husband to court to enforce her right to maintenance or, if she was divorced, marrying her off again. The issue of power relationships between men and women in the home was also raised by one of the observers, in the context of psychological coercion experienced by women in the home, for which there was no remedy because there was no evidence of physical injury. Not only was such coercion not redressable, it was difficult to prove that a violation of a woman's right had occurred. Others spoke of the lack of decision-making power of women in the family, which prevented them from enjoying their rights.

57. The experts also expressed the view that the poverty of a country in general and of women in particular impeded access to rights. In some countries, a lack of housing made it impossible for women to escape from violent situations, and one observer said that, even after divorce, a man and a woman could be forced to share the same house because no other housing was available. One expert also mentioned the conditions imposed by the World Bank and the International Monetary Fund (IMF) as a factor aggravating women's poverty and therefore their access to rights.

58. An additional point made by the experts was that many laws and rights were based on ideological assumptions about women and that the social conditioning of women to be self-sacrificing carers was also an impediment to their rights. If a woman exercising her political rights sought election to parliament or a position in a political party, or claimed her right to property, she would have to confront social and cultural pressure from her community and family that would portray her as self-interested and uncaring.

59. One expert said that, as the concept of men's superiority to women still persisted in her country, the importance of an increasing awareness by women of their rights had not been acknowledged by all people. Women's lack of education prevented them from securing awareness of their rights. Lack of funds for popularizing legal knowledge was a further obstacle. Another expert described cases where decisions had been reached on the basis of constitutional, criminal and personal laws, in which women had tried to secure rights to equality, freedom from sexual assault and maintenance, and maternity benefits. She spoke about the class, gender and religious biases that had informed those decisions.

60. Another expert informed the meeting that women in her country still experienced racial and gender discrimination in many areas, including the law. She added that a lack of formal education and poverty characterized women's

lives, particularly in developing countries, thus impeding their access to the few rights they had. Another expert added that sometimes courts and other administrative structures were situated at considerable distances from where the women lived, and were difficult for them to reach. Another expert stated that her country was marked by social, economic and political violence that affected women's access to the legal system. She also said that there was a lack of information on women's rights and legal procedure. Legal literacy for women was therefore in great demand.

61. Another expert stated that the problem for women in some countries was not a lack of awareness of their rights, nor a lack of formal education, but that their enjoyment of those rights was being eroded by recent legislation.

62. An observer stressed that legal literacy was an issue not only for women but also for men. With regard to the disadvantaged position of Moslem women, another observer stressed that it was not Islamic law that created obstacles or problems for women but local customs, which prevented Moslem women from enjoying the rights granted them by Islam. As regards secularization of the laws, she said that it was not possible to do away with Islamic law, as it was an intrinsic part of the faith. It was, however, possible to reform the law within the set parameters of Islam.

63. Another observer stated that the situation of women in her country was very similar to the situation of women in central and eastern European countries. After the Second World War, Governments had signed many conventions, but some of those conventions had never been published at the national level. The meeting was informed that the introduction of the market economy was bringing new problems for women. Rising unemployment in those countries had increased the pressure on women from men and families to leave their jobs and remain in the home so that men could find employment.

B. Programmes

64. The programmes presented by the experts all spoke of the need to institute legal literacy programmes for women. Essentially, legal literacy was the process of acquiring a critical awareness about rights and the law; the ability to assert rights and the capacity to mobilize for legal and societal change. Legal literacy was, then, an educational process contributing to the goal of equality, peace, justice and development for women. The process of developing legal literacy programmes involved two issues, first, how women developed an awareness of rights and the social and political skills needed to take action on them and, secondly, how to foster the needed awareness and skills. The conceptualization of the learning process was an essential part of legal literacy training. That process should lead to social empowerment and self-empowerment, grounded in an ethical and political project that permitted women to participate in understanding and transforming their society.

65. Discussing the programmes that had been successful in eliminating obstacles to women in securing access to their rights, many experts talked of their experiences with concrete programmes that promoted women's rights at both government and non-governmental levels.

66. Several experts spoke of legal literacy in the context of government programmes. In one country, for example, a programme for the education of women's equality that operated at village levels was being conducted by rural

non-formally educated women for women. It was in that broader educational context that legal literacy had been situated.

67. One expert presented some ideas on how to implement legal literacy. She criticized approaches that focused on information-giving. Although information was necessary, it did not communicate to women the limits, obstacles and impediments they could and did experience in trying to assert their rights. The existing approaches were also limited in terms of pedagogy, since they treated the participants as passive listeners, using pamphlets, lectures or one-day seminars to communicate information.

68. One expert presented some ideas on feminist approaches to legal literacy. These approaches included promoting the development of critical consciousness, which would enable participants to think critically about the power relationships, sustained by the law, that affected women's lives. Furthermore, the method used to communicate the law must be participatory, involving women in the learning process. Such an approach treated the participant as knowledgeable and experienced. Finally, a legal literacy process must be situated in broader educational programmes for women - programmes that similarly sought to provide women with an opportunity to participate in learning and in acquiring information on and an understanding of their social context. That avoided treating legal literacy in isolation and cultivating a dependence on lawyers. Women must set the agenda. With the integration of legal literacy strategies into broader programmes, women could learn about law in the context of the broader social movement they were creating, and strategies for using law could be developed that were responsive and accountable to that social movement.

69. Another expert noted that the Government of her country had initiated functional literacy programmes for all; women activists were given the opportunity to build a rights-awareness strategy into those programmes. She mentioned steps that need to be taken to create a successful programme of legal literacy, for example, identifying needs of the group, working with other agencies engaged in executing projects for women, simplifying the language of the law, adopting a flexible methodological approach and actively involving the local community.

70. Another expert spoke of the importance of developing a campaign around legal literacy. She stated that the national women's federation had played a vital role in conducting legal literacy for women, especially in rural and inaccessible areas. She stated that the project was based on a five-year government programme to acquaint citizens with the basic elements of law. The branches of the National Women's Federation disseminated legal information by establishing a structure of paralegal workers that reached all women in townships, villages and households. Legal advisory centres or services had also been set up by the branches of the National Women's Federation to provide legal assistance and aid to women.

71. Another expert gave an example of a law reform campaign on domestic violence that drew on legal literacy concepts. The issue of domestic violence had initially been raised by feminists and other women working on violence, and subsequently popularized in different communities and schools to increase public awareness. She stated that the media played a critical role in publicizing and developing an awareness of the issue. When the bill was presented before the legislators some of the male members of parliament resisted its full implementation. As a result of the public-awareness campaign, women came in

large numbers to Parliament to lobby for and support the bill, which was ultimately passed.

72. One expert outlined a possible structure for a legal literacy programme for women, highlighting such problems as keeping the momentum going on a voluntary basis; another problem for women working in the programme was the shortage of time, for they were often employed by other organizations as well. She emphasized that the cultural and economic context and the methodology for conducting legal literacy programmes for women influenced the effectiveness of the programme. Materials used in legal literacy should not be legalistic and methods that involved the participants in the learning process must be used.

73. An observer cited the measures that had been taken in her country regarding legal literacy for women. They included dissemination of information through radio, television, pamphlets, posters, exhibitions, talks and drama; structural changes to enable women to enforce their rights; and law reforms where rights were not defined in the law, or repeal of laws that discriminated against women. She said that some of the programmes included men, as it was important to inform them of women's rights too. In connection with Islamic law, she said that codification had helped to demystify the law, which had previously been accessible only to those trained in the Sha'riah. She also informed the meeting that non-governmental organizations working with the police and government departments had brought about improvements in the law relating to rape and were working to get a law on domestic violence passed. She added that, although the Government had not yet ratified international conventions, it had tried to bring the national law into line with international norms.

74. Another expert spoke about a legal literacy programme that involved training women at the grass roots as paralegals in gender issues relating to women's rights and legal procedures. The training took place in the community of the participants, and the educational materials were related to constitutional law, the civil and penal codes and legal procedures. The programme undertook other educational activities, such as the production of innovative materials, the organization of radio programmes and birth certificate campaigns. Paralegals gave legal counselling and facilitated the follow-up of legal cases, thus playing a primary role in linking the needs of women in the community and their access to justice. Another expert reinforced remarks on paralegals by emphasizing the importance of working at the community level and involving women in that process. She also explained how, in her country, paralegals were working with women's organizations to put forward, on behalf of women, suggestions for influencing constitutional reform.

75. An observer from a non-governmental organization suggested that the meeting consider the guidelines for consumer protection adopted by the General Assembly in its resolution 39/248.

76. The observer for the International Research and Training Institute for the Advancement of Women stressed the role of the Institution in preparing materials and providing training in legal literacy, as well as its future role in that respect.

77. The following important lessons emerged from the experiences described:

(a) The demystification of the law and the understanding of rights and legal reform was an issue not only for lawyers but also for unions, community organizations, civic groups and all sectors of society;

(b) Every legal literacy programme should be thought of as ongoing education;

(c) The content of community-based programmes should be defined by the participants;

(d) The programmes should take into account the socio-economic and cultural profile of the participants and the community social structure;

(e) Materials and educational techniques were aids in the learning process. They should not replace the democratic dialogue between the animator or educator and the participants;

(f) The programmes should use innovative materials adapted to the cultural background of the participants, who should be involved in the production process;

(g) They should also draw on popular theatre, audio-visual aids, posters, pamphlets and group discussion etc.;

(h) The methods used should strengthen and reinforce the participants' capacities and abilities and not marginalize participants in the learning process;

(i) The implementation of the legal literacy programmes should be interdisciplinary, drawing on the educational, psychological and communication skills of facilitators;

(j) Legal literacy should combine learning with action.